

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIESHIA MARIE JACKSON,

Plaintiff,

v.

FASTENAL COMPANY,

Defendant.

Case No. 1:20-cv-00345-NONE-SAB

ORDER DISCHARGING SEPTEMBER 23,
2021 ORDER TO SHOW CAUSE AND
SETTING DEADLINE TO FILE MOTION
FOR PRELIMINARY APPROVAL

(ECF Nos. 12, 13)

On January 21, 2020, Mieshia Marie Jackson (“Plaintiff”), on behalf of herself and all others similarly situated, filed this action in the Stanislaus County Superior Court against Fastenal Company (“Defendant”) alleging violations of California labor law. (ECF No. 1-1.) On March 4, 2020, Defendant removed the action to the Eastern District of California. (ECF No. 1.) On May 28, 2020, the Court issued a phased scheduling order. (ECF No. 9.) On December 23, 2020, pursuant to the parties’ stipulation, the Court modified the scheduling order and extended the deadline for Plaintiff to file a motion for class certification until September 13, 2021. (ECF No. 11.) On September 23, 2021, because the deadline to file the motion for class certification had expired and no motion was filed, the Court issued an order to show cause why this action should not be dismissed. (ECF No. 12.)

On September 23, 2021, Plaintiff filed a notice of settlement and response to the order to show cause. (ECF No. 13.) The filing indicates that the parties reached settlement of this action

1 through mediation around March 1, 2021; that on August 27, 2021, the parties circulated a long-
2 form settlement agreement for signatures; that on September 20, 2021, the long-form agreement
3 was fully executed; and that pursuant to the agreement, Defendant will be stipulating to the
4 certification of the class for settlement purposes, and thus Plaintiff no longer needed to file a
5 contested class certification motion. (Id.) Plaintiff apologizes to the Court for any delay in
6 notifying the Court of the settlement. (Id.) Plaintiff further requests that all deadlines and
7 hearings be vacated until the Court determines whether to approve the settlement; and that a
8 hearing on the forthcoming preliminary approval motion be set for the Court's first available date
9 in November of 2021, "preferably in front of the Magistrate, as the Parties have agreed, subject
10 to Court approval, to have settlement approval proceed in front of the Magistrate." (Id. at 3.)¹

11 The order to show cause shall be discharged. The Court does not find it necessary to
12 vacate any dates in this matter as the only deadlines set in the previous scheduling orders were
13 for pre-certification discovery, and for the filing of the motion for class certification. The parties
14 are informed they may notice a hearing before the undersigned without reserving or clearing a
15 hearing date, provided the notice of motion and hearing date comply with Local Rule 230. (See
16 ECF No. 2 at 7, directing parties to www.caed.uscourts.gov under Judges; Boone (SAB);
17 Standard Information (in the area entitled "Case Management Procedures.") The Court will set a
18 deadline for the filing of the motion for preliminary approval.

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28 ¹ As for court approval, following the filing of the motion for preliminary approval, the District Judge will be required to refer the matter to the undersigned.

Accordingly, IT IS HEREBY ORDERED that:

1. The September 23, 2021 order to show cause (ECF No. 12) is HEREBY DISCHARGED; and
2. Plaintiff shall file a motion for preliminary approval of the class action settlement within thirty (30) days of entry of this order.

IT IS SO ORDERED.

Dated: September 24, 2021


UNITED STATES MAGISTRATE JUDGE